

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

PATTON BOGGS LLP,

Plaintiff,

v.

CHEVRON CORPORATION,

Defendant.

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CIVIL ACTION NO:  
2:12-cv-00901-ES-CLW

**CHEVRON CORPORATION'S NOTICE OF MOTION TO TRANSFER  
THIS ACTION TO THE SOUTHERN DISTRICT OF NEW YORK UNDER  
THE FIRST-FILED RULE OR 28 U.S.C. § 1404(a)**

PLEASE TAKE NOTICE that upon the annexed Declaration of Herbert J. Stern dated March 13, 2012 together with the exhibits thereto; the memorandum of law submitted herewith; all prior pleadings and proceedings in this and related actions; and such argument as may be received by this Court at the time of a hearing, defendant Chevron Corporation, by and through its undersigned counsel, will move this Court, before the Honorable Esther Salas, at the Martin Luther King, Jr. Federal Building & U.S. Courthouse, Courtroom 2D, 50 Walnut Street, Newark, New Jersey, at a time and date to be determined by the Court, for: (1) an order to transfer this action to the Southern District of New York under the first-filed rule and/or 28 U.S.C. § 1404(a); (2) such other and further relief as the Court may deem just and proper.

As set forth in its accompanying memorandum of law, Chevron is entitled to transfer under either the first-filed rule or 28 U.S.C. § 1404(a), or both. The Complaint filed by Patton Boggs improperly asks this Court to execute on an injunction bond posted in an earlier-filed case

currently pending before another federal judge—the Honorable Lewis A. Kaplan—in the Southern District of New York, and to make findings on a cause of action ruled on by Judge Kaplan, effectively barring him from ruling on a bond issued in a case before him. Because Chevron demonstrates that the issues and parties overlap considerably between these two actions, and, in the interest of efficiency and comity, the Southern District of New York is the appropriate forum for all of the claims Patton Boggs raises here, this Court should enter an Order granting Chevron’s motion to transfer either under the first-filed rule or 28 U.S.C. § 1404(a), or both.

Dated: March 13, 2012  
Florham Park, New Jersey

Respectfully submitted,

STERN & KILCULLEN, LLC

By:       /s/ Herbert J. Stern      

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